

Application No.: 10/687340

Case No.: 58981US002

REMARKS

Claims 1-4, 7-16, and 19-29 are pending in this application. Claims 25-29 have been cancelled.

Rejection under 35 U.S.C. 102(e)

Claim 26 stands rejected under 35 USC 102(e) as anticipated by Fleming. Applicants have cancelled claim 26 to facilitate prosecution. Applicants expressly reserve the right to present the substance of claim 26 in this application, or any continuation citing priority to this application. Applicants further expressly reserve the right to overcome any future rejections under 35 USC 102(e) as anticipated by Fleming by affidavit pursuant to 37 CFR 1.132.

Rejection under 35 U.S.C. 103(a)

Claims 1-24 and 26 are rejected as being obvious over US Patent No. 4,784,789 (Jeschke) in view of US Patent No. 6,313,182 (Lassila). The Examiner cites Jeschke to disclose a composition . . . comprising 0.02 to 5 % of an amphoteric polymer-including anionic surfactants . . and a surfactant-including alkylbenzene sulfonates . . . in a 20:1 to 1:1 ratio dissolved in water and a water soluble solvent. . . (citations omitted). The Examiner acknowledges that Jeschke does not expressly disclose acetylenic diol ethylene oxide adduct, and relies on Lassila for that disclosure.

Applicants respectfully disagree. Jeschke discloses high molecular weight amphoteric polymers in the presence of surfactant(s). First, the Examiner appears to equate the amphoteric polymers in Jeschke with the surfactant component of Applicant's claims. In particular, Applicants disagree with the Examiner's statement "0.02 to 5% of an amphoteric polymer (Column 2 Lines 22-48) - *including anionic surfactants such as ethoxylated alkenols (Column 3 Lines 19-25)* . . ." The ethoxylated alkenols referred to by the Examiner are Jeschke's list of anionic surfactants. The amphoteric polymer taught by Jeschke is listed in Column 4, lines 19-Column 5, line 7, as polymers prepared by British Patent Specification No. 2,104,091 from at least two or three monomers such as acrylic acids or their salts, and methacrylates.¹ Thus, any composition formed by the combination of Jeschke with Lassila would necessarily include the amphoteric polymers required by Jeschke. The inclusion of these amphoteric polymers makes it impossible to conclude on the mere combination of

¹ Jeschke references both amphoteric polymers (as taught in Col. 4, lines 19-36) and amphoteric surfactants (mentioned at Col. 2, lines 27-28 without any further exemplary listing).

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Jeschke and Lassila that a composition containing amphoteric polymers would inherently exhibit the functional parameters as claimed by Applicants.

Further, Applicants continue to disagree that one skilled in the art would substitute the teaching of the acetylenic diol ethylene oxide adduct of Lassila with the surfactants (anionic, ionic or otherwise) in Jeschke, or that either reference provides the motivation to do so. Rather, Lassila teaches the use of the adducts instead of nonionic and anionic surfactants (see col. 1, lines 31-44).

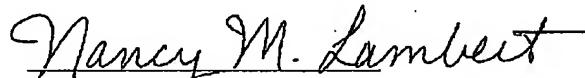
Irrespective of whether the combination suggested by the Examiner is one that adds the adduct of Lassila to the composition of Jeschke or substitutes the adduct of Lassila with the surfactants taught in Jeschke, the result is the same, i.e., the composition is not the same as claimed as Applicants as the Jeschke/Lassila combination composition would still contain a separate amphoteric polymer. Obviously, removal of the amphoteric polymer of Jeschke would destroy the functionality of the composition taught by Jeschke.

For at least the above reasons, Applicants submit that claims 1-24 and 26 as amended are not obvious over Jeschke in view of Lassila.

CONCLUSION

All outstanding objections and rejections are believed to have been met and overcome. If a telephonic conference with Applicants' undersigned representative would be useful in advancing the prosecution of the present application, the Examiner is invited to contact the undersigned at (651) 733-2180. A notice of allowance for all pending claims is respectfully solicited.

Respectfully submitted,


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